

Application No.: 10/696,567Docket No.: 1509-464**REMARKS**

The claims have been amended for clarity.

Independent claims 1 and 21 have been amended to more particularly distinguish over Metcalfe, AU Patent 743,216, relied on in the most recent office action to reject claims 1, 4, 10-17, 19-21, 23, 28-35, 37, 38, 40, 42, 44-47, 54 and 55 as being anticipated under 35 USC 102(b). Applicants note Metcalfe is cited in paragraph 0021 of the application as filed.

In Metcalfe, a level of interest to signal (LOS) is recorded on a recording medium, disclosed particularly as videocassette 120. The level of interest signal is only used during playback. In contrast, claims 1 and 21, as amended, indicate operation of at least a part of the camera apparatus while the electronic camera is taking pictures is controlled in response to a saliency signal. Such operation is in addition to recording the saliency signal in memory. In Metcalfe, the only thing that happens in response to the level of interest signal while the electronic camera is taking pictures is the recording of the level of interest signal. Based on the foregoing, amended independent claims 1 and 21 are not anticipated by Metcalfe. Because Metcalfe is interested primarily in controlling playback of captured video frames in response to the level of interest signal, one of ordinary skill in the art would not have modified Metcalfe to include the features now set forth in claims 1 and 21; see page 1, line 12 - page 3, line 23 of the reference.

Claims 4, 10-17, 19 and 20, all of which depend on claim 1, and claims 23, 28-35, 37 and 38, all of which depend on claim 21, are allowable with the claims upon which they depend. In addition, many of these claims include limitations not disclosed by Metcalfe. For example, claims 4 and 23 indicate the part of the camera apparatus that is arranged to be controlled in response to the saliency signal while the camera is activated to take

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pictures, includes image selection circuitry for receiving the saliency and image signals and for selectively passing ones of said image signals as determined by the saliency signal; see, for example, paragraph 0052 of the published application. In Metcalfe, such passing is not performed while the camera is activated to take pictures.

Claims 12 and 30 require "at least one further physically or mechanically operable user control for generating a corresponding related saliency signal." To reject these claims, the office action relies on button 112 of Metcalfe. However, button 112 of Metcalfe is relied on in the rejection of claims 1 and 21 for generating a saliency signal. Consequently, the requirement of claims 12 and 30 cannot be button 112 of Metcalfe.

Claims 13 and 31 require saliency circuitry for combining said saliency signals of claims 12 and 30, respectively, to form a complex saliency signal. To reject these claims, the office action again incorrectly relies on button 112 to form a complex saliency signal. However, button 112 cannot form such a complex saliency signal source because it does not respond to the further user control of claim 12 or 30. In addition, the office action fails to mention the requirement of claims 13, 15 and 31 for the saliency signals to be combined to form a complex saliency signal.

The office action incorrectly alleges the limitations of claim 20 have been discussed and analyzed in connection with the rejection of claim 19. Claim 20 indicates the user control comprises a pressure or force sensing transducer for deriving a saliency signal that can have values that are continuously variable. There is nothing in claim 19 concerning a pressure or for sensing transducer for deriving a saliency signal that can have values that are continuously variable. Consequently, the office action fails to consider the requirements of claim 20.

The rejection of independent claim 40 ignores the requirement of the claim for at least two physically or mechanically operable user controls, each of which is arranged for receiving an input from a user. Consequently, the anticipation rejection of claim 40 is

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incorrect. In addition, the office action fails properly to consider the requirement of claim 40 for (1) generating first and second saliency signals while the image signals are being produced, and (2) saliency circuitry for combining said first and second signals to form a complex saliency signal. The comment in the office action that Metcalfe discloses recording the plurality of saliency signals in a memory, on tape 120, does not meet the requirement of claim 40 for first and second saliency signals to form a complex saliency signal.

The rejection of independent claim 44 ignores the requirement for "saliency circuitry for automatically generating an image related second saliency signal in response to the image signal." The office action refers to many different portions of Metcalfe in connection with this rejection. However, the only thing that can be considered a saliency signal in these portions of the reference is the level of interest signal derived in response to activation of button 112. The examiner is requested, if this rejection is repeated, to more specifically indicate how and where Metcalfe discloses the foregoing ignored requirements of claim 44. In addition, Metcalfe does not disclose circuitry for combining a pair of saliency signals to form a complex saliency signal.

The rejection of independent claim 54 incorrectly alleges level of interest button 112 of Metcalfe generates a non-playback saliency signal. In this regard, the office action alleges the Metcalfe saliency signal is a level of interest signal to indicate a portion of the image signals that have a certain degree of interest to be stored in memory 120 in association with the saliency signal. However, this comment is irrelevant to the requirement to generate a non-playback saliency signal that controls picture selection circuitry. The only use Metcalfe appears to disclose in connection with the signal generated and stored in response to the activation level of interest button 112 is in connection with playback. If the examiner adheres to this rejection, he is requested to indicate where and/or how Metcalfe discloses the use of the stored signal derived by activation of level interest button 112 for any purpose other than playback.

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Applicants traverse the rejection of independent claims 48 and 57 and dependent claims 2, 5, 7, 22, 25, 50, and 59 under 35 USC 103(a) as being unpatentable over Metcalfe in view of Fiore et al., US Patent Publication 2002/0191952.

Independent claim 48 requires compression circuitry for compressing picture signals to an extent determined by a user operable control for generating a saliency signal capable of having more than two values. Dependent claims 2 and 22 include a similar limitation. The office action incorrectly alleges it would have been obvious to one of ordinary skill in the art to have modified Metcalfe as a result of Fiore et al to meet these limitations.

Applicants do not agree with the statement in the last full paragraph on page 11 of the office action that Fiore et al. discloses compression circuitry that compresses image signals to an extent determined by a saliency signal. Paragraph 0045 of Fiore et al. indicates signal control 13 sets the compression parameters of compressor 12. Signal control 13 accesses the data access control of server 20 that is responsive to event source 8. Server 20 cannot be considered as (1) deriving a saliency signal, particularly a saliency signal derived by a user operable for generating a control contemporaneously with the derivation of picture signals, as required by claim 48, or (2) a saliency signal generator responsive to an input from a user, as required by claims 2 and 22, by reference to claims 1 and 21 upon which claims 2 and 22 respectively depend. Alternatively, compressor 12 responds to the input signal provided by monitoring device 6 so that if the signal data derived by the monitoring device is highly repetitive or redundant, the input signal data are compressed by applying an appropriate compression algorithm; see paragraph 0044. Under these circumstances, compressor 12 does not respond to a saliency signal, particularly a saliency signal derived by a user operable for generating a control contemporaneously with the derivation of picture signals. Because the compression control Fiore et al. provides is so different from the manually activated level of interest signal Metcalfe derives, one of ordinary skill in the art would not look to Fiore et al. to modify Metcalfe.

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In the rejection of claim 57, the office action again incorrectly states Metcalfe includes a user operable control for generating a non-playback saliency signal. The previous discussion of claim 54 in these Remarks indicates the relied on portion of Metcalfe has no disclosure of this feature. This rejection is also incorrect because it relies on control of the compression feature of Fiore et al. for the user operable control for generating a saliency signal; see the previous discussion in these Remarks concerning claim 48.

Applicants cannot agree that one of ordinary skill in the art would have modified Metcalfe as a result of Fiore et al. to meet the requirement of claim 57 for a memory arranged for selectively retaining images associated with higher saliency levels in said memory in preference to images with lower saliency levels. In Metcalfe, the level of interest signal only controls playback. Consequently, the Fiore et al. memory control is completely inapplicable to Metcalfe.

Paragraph 0047 of Fiore et al. indicates storage control 14 receives digitized and/or compressed input signal data from monitoring device 6 and stores the input signal data and analysis data in a circular storage buffer 15, together with a timestamp for each record. Circular storage buffer 15 has two unique positions, the head and tail. The head represents the position in buffer 15 having the most recent signal data and the tail represents the position in the buffer having the oldest signal data that are leaving the circular storage buffer by being overwritten by the most recent data. As such, the input signal data are swapped between RAM 19 and file system 17. To this end, the input signal data from monitoring device 6 are stored as data frames in buffer 15. Signal processor 10 includes an event processor that extracts data frames starting from a data frame that is a predetermined number of data frames before an external event time provided by server 20, and ending a predetermined number of data frames after the external event time. The extracted data frames are stored in file system 17 to provide a permanent record of data frames before, during and after the event, prior to the data

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frames being overwritten in buffer 15. Event processor 16 marks the input signal data being stored in buffer 15 when an event occurs to flag the location of an occurrence of an external event in buffer 15, and signal to mark the input signal data being provided by event processor 16. Thus, the Fiore et al. memory control is so different from the Metcalfe device that includes a member responsive to a video signal and a level of interest button that one of ordinary skill in the art would not have combined them. To combine the references, the examiner relies on hindsight obtained from applicants' disclosure.

Independent claim 51 has been amended to indicate the saliency signal can have plural values and that the capacity of the buffer is determined in response to the value of the saliency signal. Dependent claims 3 and 24 are amended so they also indicate buffer capacity is determined in response to the saliency signal value. The foregoing amendments to claims 3, 24 and 51 obviate the rejection of these claims as being obvious as a result of Metcalfe in view of Sisselman US Patent Publication 2003/0007079. Sisselman has no disclosure of RAM 370, which the office action equates to the claimed buffer, having a capacity that is determined in response to any signal, no less a saliency signal as set forth in claims 3, 24 and 51. While Metcalfe discloses a level of interest signal having plural, or more than two, values, such a level of interest signal is only used in conjunction with playback.

The remaining dependent claims, which have not been discussed herein, are allowable, inter alia, with the claims upon which they depend.

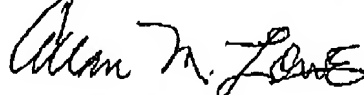
Allowance is in order.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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